



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, NY 10007*

February 16, 2021

BY ECF

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

MEMORANDUM ENDORSEMENT

Re: *Deloatch v. Comm'r of Soc. Sec.*, No. 20 Civ. 6957 (GWG)

Dear Judge Gorenstein:

This Office represents the Commissioner of Social Security (the "Commissioner"), the defendant in the above-referenced action brought pursuant to 42 U.S.C. § 405(g), in which the plaintiff appeals the Commissioner's decision to deny her application for Social Security disability benefits.

I respectfully write to request, with the plaintiff's consent, a 60-day extension of time for the Commissioner to file the certified administrative record in this case, from February 16, 2021, to April 19, 2021, which will yield the following extended deadlines pursuant to the Standing Order In Re Motions for Judgment on the Pleadings in Social Security Cases (Dkt. No. 5):

<u>Filing</u>	<u>Deadline</u>
Plaintiff's Motion for Judgment on the Pleadings	June 18, 2021
Commissioner's Cross-Motion for Judgment on the Pleadings	August 17, 2021
Plaintiff's Reply, if any	September 7, 2021

The extension is needed because of delays in preparing the certified administrative record due to temporary workplace changes implemented by the Social Security Administration in response to the COVID-19 pandemic. As described in the attached Declaration of Jebby Rasputnis, dated December 4, 2020, these changes have significantly impacted the operations of the Social Security Administration's Office of Appellate Operations ("OAO") and materially affected its ability to prepare certified administrative records and to obtain transcriptions of hearing

recordings from private contractors. The agency has increased its staffing and improved its ability to prepare certified administrative records remotely, but the prior delays combined with an increase in Social Security cases filed in federal courts have resulted in a significant backlog in the preparation of certified administrative records.

The plaintiff consents to this request for an extension. This is the Commissioner's second request for an extension of the time to file the certified administrative record. The Court previously granted the Commissioner's request for a 60-day extension of time to file the record. (Dkt. No. 14.) I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS
United States Attorney

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cc: Howard Olinksy, Esq. (by ECF)
Attorney for Plaintiff

Application granted. The administrative record shall be filed by April 19, 2021.

So Ordered.


GABRIEL W. CORENSTEIN
United States Magistrate Judge
February 16, 2021